



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 14-166		Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Vacation of Street Easement		Planning Commission Date	February 10, 2015	
Deadline for Action	Application Date	January 28, 2015	60 Days	March 29, 2015	
	Date Extension Letter Mailed	February 3, 2015	120 Days	May 28, 2015	
Location of Subject	Worth Street				
Applicant	Regents of the University of Minnesota		Contact	Kelley Brandt, brand571@umn.edu	
Agent	Erik Larson		Contact	elarson@d.umn.edu	
Legal Description	See Attached				
Site Visit Date	N/A		Sign Notice Date	January 27, 2015	
Neighbor Letter Date	January 30, 2015		Number of Letters Sent	19	

Proposal

Vacate a portion of undeveloped Worth Street between Oakland Avenue and Bayview Avenue.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped	Traditional Neighborhood
North	R-1	Undeveloped	Traditional Neighborhood
South	R-1	University/Former Residential	Traditional Neighborhood
East	R-1	University	Traditional Neighborhood
West	R-1	University	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

Vacation of public rights of way and/or easements require a Planning commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

Code requirements are found in UDC Section 50-37.6. The Planning Commission shall review the proposed vacation, and council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

1. Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

III. I-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principle #7: Create and maintain connectivity.

Future Land Use - Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

Applicant is also applying for the following vacations in the proximate geographic area: Bayview Avenue (PL 14-167), Oakland Avenue (PL 14-168).

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1.) The right of way is undeveloped. Adjacent portions of Worth Street were previously vacated. This vacation, if approved, will not deprive any currently platted lots of access to a public right of way, and will not result in any dead-ends.
- 2.) UMD owns all abutting property. Currently there is a ballfield to the east, University housing to the west, and Bagley Nature Area to the north. UMD recently purchased and demolished a nearby house.
- 3.) There are no utilities in this right of way.
- 4.) Staff believe this right of way is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the City; the right of way is not and will not be needed to provide pedestrian or recreational access to the water; and the public right of way is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
- 5.) City Engineering has stated the vacation is acceptable. No other public, agency, or City comments have been received.
- 6.) Vacations of streets lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process, after City Council approval.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation of this portion of Worth Street, subject to the following condition:

- 1.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

C-7

Legend

Trout Stream (GPS)

Other Stream (GPS)

ROW_STATUS

Vacated ROW

Right-of-Way Type

Road or Alley ROW

Easement Type

Utility Easement

Other Easement

Titleholder (6 class)

Tax Forfeited

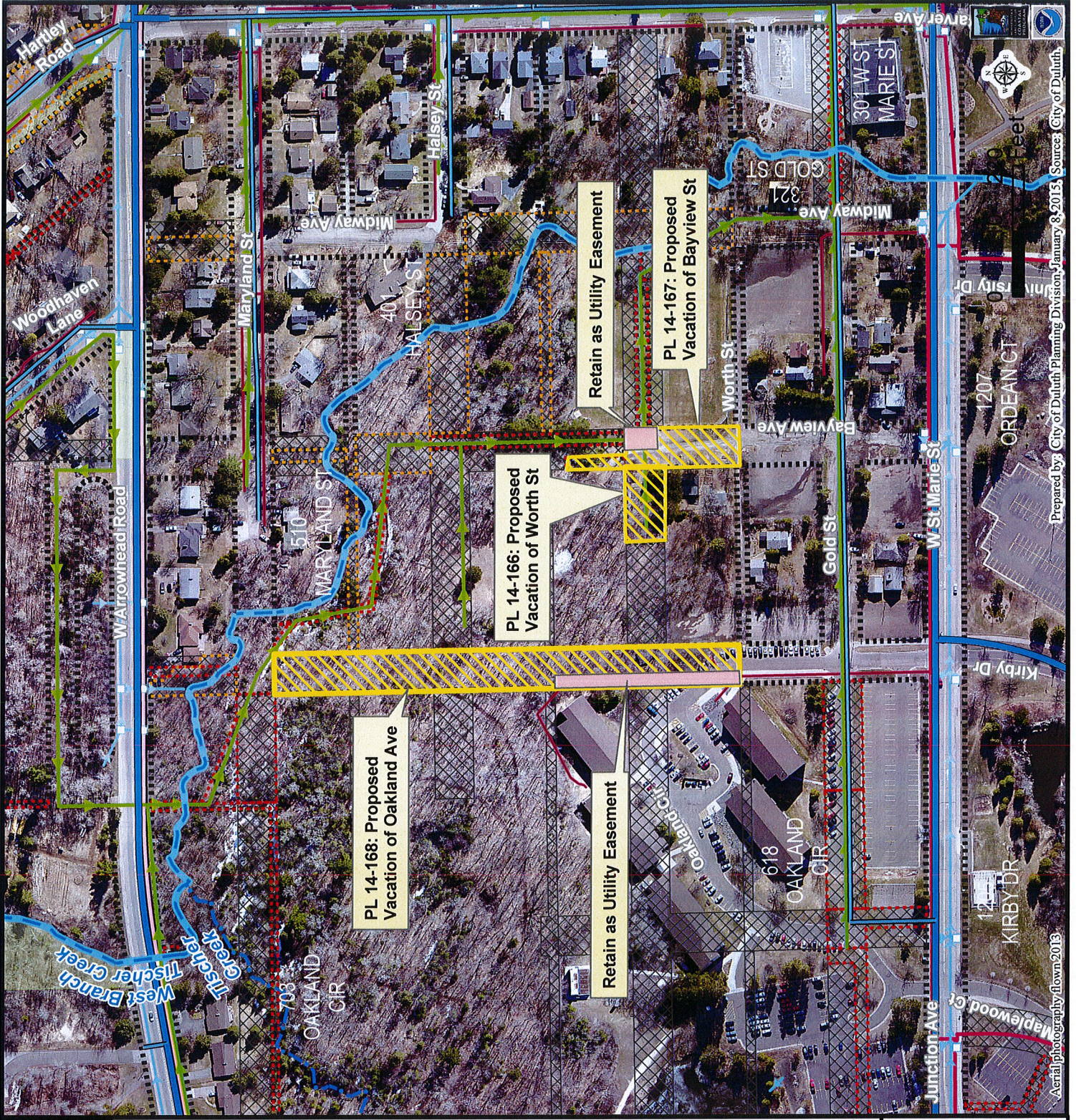
City

School

County

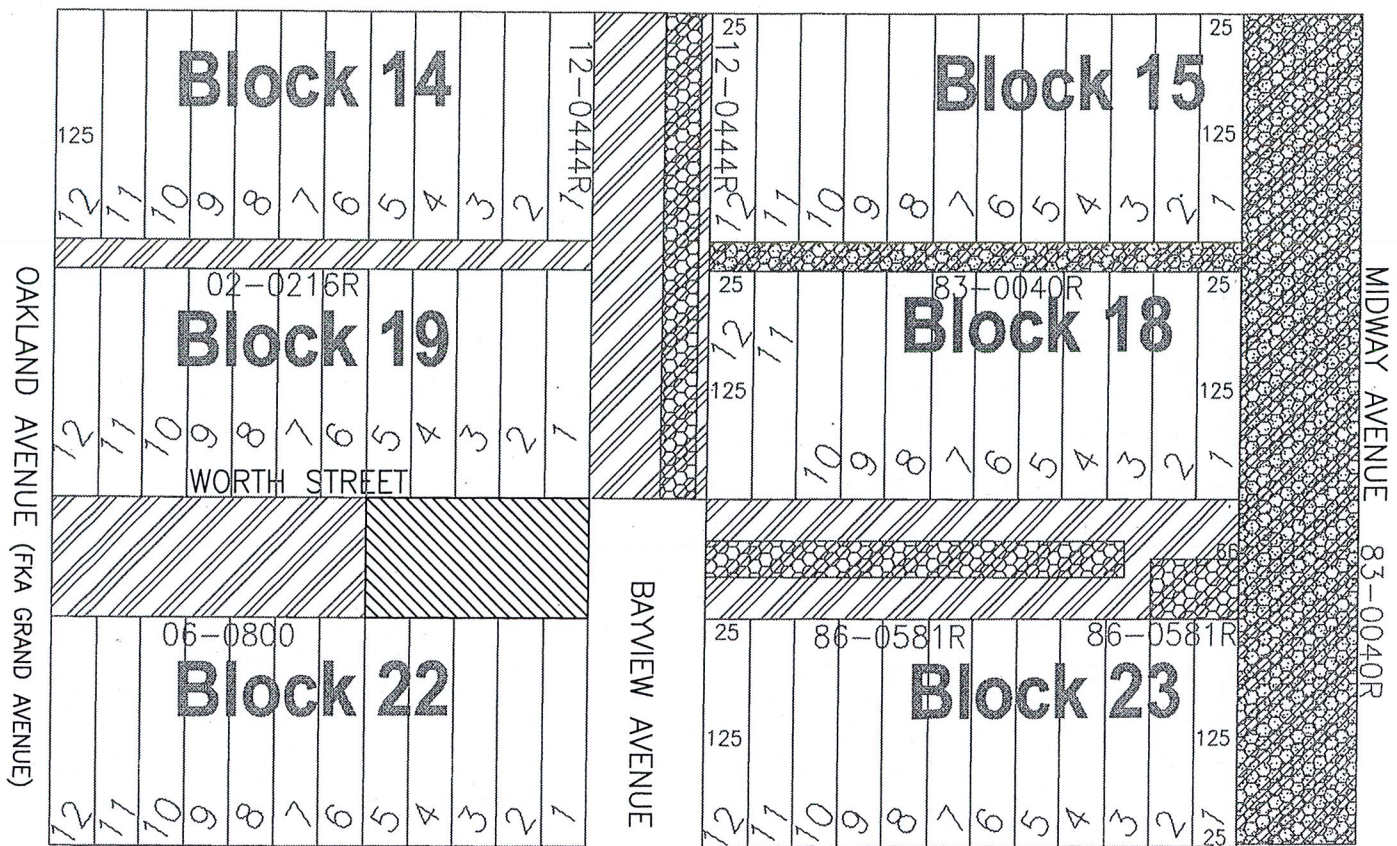
State

Federal



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VACATION EXHIBIT - Worth Street - Oakland Park Division



Legal Description:

That portion of Worth Street in the plat of Oakland Park Addition which lies between Lots 1-5, Block 19 and Lots 1-5, Block 22, Oakland Park Addition.

Legend:

Portion to be vacated is shown as: 

Vacated areas: 

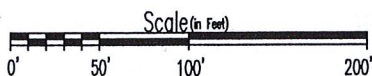
(86-0581R / 06-0800 / 12-044R)

Vacated area with utility easement retained: 

(86-0581R / 12-0444R)

Vacated area with utility / pedestrian easement retained: 

(83-0040R)

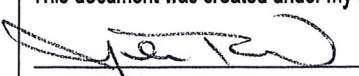


Approved by the City Engineer of Duluth, MN

Date: 1-27-15 by: 

Note: See concurrent requests for vacations of Bayview Avenue and Oakland Avenue.

This document was created under my direct supervision:


John Rashid - Acting Director
UMD Facilities Management

1/26/15
Date

University of Minnesota Duluth
Facilities Management

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1049 University Drive
Duluth, Minnesota 55812-2496
218-726-8262

Vacation of Worth Street adjoining Lots 1-5, Blocks 19 and 22, Oakland Park Addition.

For: Regents of the University of Minnesota



Print Date: 02/02/2015
Image Date: 05/12/2013
Level: Neighborhood

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